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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,656	04/05/2001	Gur Kimchi	TRLY 17.033	3481
26304	7590	08/13/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,656

Applicant(s)

KIMCHI ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/24/2001.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-27 are presented for examination.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The present title is not sufficient for proper classification of the claimed subject matter.

The following title is suggested: "Creation of a virtual computer system by selecting individual devices for the computer located on IP network from a terminal server".

3. The disclosure is objected. Some of the informalities are:
 - i. The "Conclusion" section contains sentence "Existing and future input/output devices are envisioned within the scope of the present invention," which needs to be replaced with "**Existing** input/output devices are envisioned within the scope of the present **invention**." The system and software supporting the input/devices cannot support any devices that are even not known today. Further, the patents are not issued for future inventions. Same reason applies for the all the places in the disclosure for the reference of future inventions that needs to be replaced, for example, page 16, line 11, "future protocols" needs to be replaced with "**existing** protocols".Appropriate correction is required.

4. The abstract is objected. Some of the informalities are:

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- a. The term "to build computer-based devices" is incorrect, since the devices are already present on the network. It should be "to build virtual computer systems".
 - b. The term "discovered" is incorrect, since the devices are already present on the network. It should be "detected".
- Appropriate correction is required.

Drawings

5. Figures 1, 2a, 2b, 3a, 3b and 3c should be designated by a legend such as --Prior Art-- because only that which is old is illustrated, as per the applicant admitted prior art information in the background information. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

6. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 7/4/2001, is attached to the instant Office action.

Claim Objections

7. Claim 11 is objected to because of the following informalities:

Claim 11 mentions that "as per claim 11", which is incorrect. For examining examiner considers it as "as per claim 10", considering the usage of term "said endpoint".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. The specification is objected to because it does not contain subject matter containing any software or hardware 1) to implement building virtual network devices by a system having only one virtual network devices that is being emulated, 2) to discover existing function devices (as discovery of a device cannot be done, since the term “discovery” is not limited to “detection” and also means to “unearth unknown” device), 3) to emulate an equivalent network device (Since no other device is present to which the equivalent is performed to), 4) for emulating a device (Since emulate means to follow, to copy, which is not performed, and also it is not clear how the emulating is done), 5) to send inputs/outputs of function devices (Since inputs/outputs of a device can be several things including hardware entities, which cannot be sent, and also it is not clear what all in meant by inputs/outputs). Hence, claims 1 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The limitations “building virtual network devices”, “discovery”, “emulating an equivalent network device” and “their inputs/outputs sent” of claims 1 and 15 has been rejected by the examiner.

9. The specification is objected to because it does not contain subject matter containing any software or hardware to implement “coordinate devices” (Since it is not clear what all devices are listed/considered as coordinate devices. Other claimed devices, for example, pointing device also performs act of coordinates, hence can be considered as coordinate device). Hence, claims 3 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The limitation “coordinate devices” of claims 3 and 17 has been rejected by the examiner.

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10. The specification is objected to because it does not contain subject matter containing any software or hardware to implement “a virtual laptop computer” (Since laptop is meant to be physically located on a lap (physical thing) and cannot be a virtual thing). Hence, claims 7 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The limitation “a virtual laptop computer” of claims 7 and 21 has been rejected by the examiner.

11. The specification is objected to because it does not contain subject matter containing any software or hardware to implement “terminal server create any of a: H.323/SIP, H.248/Megaco or MGCP endpoint” (Since End point / terminal is as shown in figure 9 and not endpoint). Hence, claims 10 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The limitation “terminal server create any of a: H.323/SIP, H.248/Megaco or MGCP endpoint” of claims 10 and 22 has been rejected by the examiner.

12. The specification is objected to because it does not contain subject matter containing any software or hardware to implement “an alias comprises any of a: H.323/SIP, H.248/Megaco or MGCP URL of said endpoint” (Since End point / terminal is as shown in figure 9 and not endpoint, also it is not clear to what the URL is alias to). Hence, claims 11 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The limitation “terminal server create any of a: H.323/SIP, H.248/Megaco or MGCP endpoint” of claims 11 and 23 has been rejected by the examiner.

Claim Rejections - 35 USC § 102

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13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1, 2, 3, 7, 12-17, 21, 24-27, are rejected under 35 U.S.C. 102(e) as being anticipated by Manni et. al US 2002/0027569, Mar. 7, 2002, "Generic user control point tool for universal plug and play (UPNP) devices (Hereinafter Manni).

15. As per claims 1, 2, 15, Manni teaches the following:

a computer based system / method of dynamically building virtual network devices, said devices comprising a plurality of input/output components operatively connected to one or more remote servers over an IP network (e.g., col., 2, paragraphs 11-15), said method comprising;

at least one terminal server discovering functional devices connected to said network (e.g., col., 1, paragraph 3);

said at least one terminal server binding two or more of said input/output components (e.g., col., 5, paragraphs 47 and 48);

said at least one terminal server registering said bound input/output components and associated communication protocols (e.g., col., 1 paragraph 6), and

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said at least one terminal server emulating a virtual network device using representative functional applications located on said one or more servers in conjunction with said bound input/output components (e.g., col., 2, paragraphs 11-15).

16. As per claims 3, 7, 12-14, 16, 17, 21, 24-27, Manni teaches the following:

said plurality of input/output components are any from the group; microphone, speakers, keyboard, text display, video capture limits, video displays, pointing devices, and coordinate devices (e.g., col., 1, paragraph 6),

said method binds two or more input/output components (e.g., col., 1 paragraphs 6 and 7),

virtual network device comprises a virtual laptop computer comprising a plurality of bound input/output components comprising at least a microphone, speakers, keyboard and video display (e.g., col., 1, paragraph 6),

said plurality of bound input/output components are registered under separate IP addresses (e.g., col., 1, paragraph 6),

two or more function devices are contained within separate physical structures and are each registered under their own URL (e.g., col., 1, paragraph 6),

two or more function devices are contained within a single physical structure and are registered under a common URL (e.g., col., 1, paragraph 6).

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two or more function devices are connected across wireless networks (e.g., col., 1, paragraph 6).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 4, 5, 6, 10, 11, 18, 19, 20, 22, 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Manni in view of Adams US 2002/0124100 A1, Sep 5, 2002.

19. As per claims 4, 5, 18, 19, Manni teaches the claimed limitations as rejected under claims 1, 2, 3 and 15. However, Manni does not specifically mention about a virtual network device comprising a virtual telephone comprising four bound input/output components comprise at least a microphone, speakers, keyboard and text display.

It is well known in the prior art, for example, Adams teaches a virtual network device comprising a virtual telephone comprising four bound input/output components comprise at least a microphone, speakers, keyboard and text display (e.g., col., 2, paragraphs 21-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Manni with the teachings of Adams in order to facilitate a using of the input/output components of a virtual telephone over the network. The motivation would be obvious because the concept of universal usage devices providing services, like, SIP

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and RTP would provide access to the input/output components of any virtual device located on the IP network, as suggested by Adams.

20. As per claims 6, 10, 11, 20, 22, 23, Manni teaches the claimed limitations as rejected under claims 1, and 15. However, Manni does not specifically mention about control signaling RTP data communications.

It is well known in the prior art, for example, Adams teaches usages of a control signaling RTP data communications and SIP (e.g., col., 2, paragraphs 21-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Manni with the teachings of Adams in order to facilitate usage of a control signaling RTP data communications and SIP over the network. The motivation would be obvious because the concept of control signaling RTP data communications and SIP would provide access to the input/output components of any virtual device located on the IP network, as suggested by Adams.

21. Claims 8 and 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Manni in view of Adams and "Official Notice".

22. As per claims 8 and 9, Manni teaches the claimed limitations as rejected under claims 1, and 15. However, Manni does not specifically mention about the usage of RTP and SIP.

It is well known in the prior art, for example, Adams teaches usages of RTP and SIP (e.g., col., 2, paragraphs 21-28).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Manni with the teachings of Adams in order to facilitate usage of a control signaling RTP data communications and SIP over the network. The motivation would be obvious because the concept of control signaling RTP data communications and SIP would provide access to the input/output components of any virtual device located on the IP network, as suggested by Adams.

Manni and Adams do not specifically mention about the well known virtual devices being a virtual closed circuit security system or a virtual video on demand system.

“Official Notice” is taken that both the concept and advantages of providing virtual devices being a virtual closed circuit security system or a virtual video on demand system is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include virtual devices being a virtual closed circuit security system or a virtual video on demand system with the teachings of Manni and Adams in order to facilitate usage of a control signaling RTP data communications and SIP over the network. The motivation would be obvious because the concept of control signaling RTP data communications and SIP would provide access to the input/output components of any virtual device located on the IP network.

23. Claims 1-27, are rejected under 35 U.S.C. 102(e) as being anticipated by Mak “Electronic communications system and method”, U.S. 2002/0116464, Aug 22, 2002.

24. As per claims 1, 2, 15, Mak teaches the following:

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a computer based system / method of dynamically building virtual network devices, said devices comprising a plurality of input/output components operatively connected to one or more remote servers over an IP network (e.g., abstract), said method comprising;

at least one terminal server discovering functional devices connected to said network (e.g., col., 1, paragraphs 3 - 11);

said at least one terminal server binding two or more of said input/output components (e.g., col., 1, paragraphs 3 - 11);

said at least one terminal server registering said bound input/output components and associated communication protocols (e.g., col., 2, paragraphs 14 - 17), and

said at least one terminal server emulating a virtual network device using representative functional applications located on said one or more servers in conjunction with said bound input/output components (e.g., col., 2, paragraphs 14 - 17).

25. As per claims 3-14, 16-27, Mak teaches the following:

said plurality of input/output components are any from the group; microphone, speakers, keyboard, text display, video capture limits, video displays, pointing devices, and coordinate devices (e.g., col., 1, paragraphs 3 - 11);

said method binds two or more input/output components (e.g., col., 1, paragraphs 3 - 11);

virtual network device comprises a virtual laptop computer comprising a plurality of bound input/output components comprising at least a microphone, speakers, keyboard and video display (e.g., col., 1, paragraphs 3 - 11),

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said plurality of bound input/output components are registered under separate IP addresses (e.g., col.,2, paragraphs 14 - 17),

two or more function devices are contained within separate physical structures and are each registered under their own URL (e.g., col.,2, paragraphs 14 - 17),

two or more function devices are contained within a single physical structure and are registered under a common URL (e.g., col.,2, paragraphs 14 - 17).

two or more function devices are connected across wireless networks (e.g., col.,2, paragraphs 14 - 17),

virtual network device comprising a virtual telephone comprising four bound input/output components comprise at least a microphone, speakers, keyboard and text display, (e.g., col.,2, paragraphs 14 - 17),

control signaling RTP data communications and SIP usage (e.g., col.,2, paragraphs 14 - 17),

virtual devices being a virtual closed circuit security system or a virtual video on demand system (e.g., col.,2, paragraphs 14 - 17).

26. Claims 1-27, are rejected under 35 U.S.C. 102(e) as being anticipated by Kimchi et. al "Communications Protocol", U.S. 2002/0120760, Aug 29, 2002 (Hereinafter Kimchi)

27. As per claims 1, 2, 15, Kimchi teaches the following:

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a computer based system / method of dynamically building virtual network devices, said devices comprising a plurality of input/output components operatively connected to one or more remote servers over an IP network (e.g., abstract), said method comprising;

at least one terminal server discovering functional devices connected to said network (e.g., col., 1, paragraphs 3 - 11);

said at least one terminal server binding two or more of said input/output components (e.g., col., 1, paragraphs 3 - 11);

said at least one terminal server registering said bound input/output components and associated communication protocols (e.g., col.,2, paragraphs 14 - 17), and

said at least one terminal server emulating a virtual network device using representative functional applications located on said one or more servers in conjunction with said bound input/output components (e.g., col.,2, paragraphs 14 - 17).

28. As per claims 3-14, 16-27, Kimchi teaches the following:

said plurality of input/output components are any from the group; microphone, speakers, keyboard, text display, video capture limits, video displays, pointing devices, and coordinate devices (e.g., col., 1, paragraphs 3 - 11);

said method binds two or more input/output components (e.g., col., 1, paragraphs 3 - 11);

virtual network device comprises a virtual laptop computer comprising a plurality of bound input/output components comprising at least a microphone, speakers, keyboard and video display (e.g., col., 1, paragraphs 3 - 11),

said plurality of bound input/output components are registered under separate IP addresses (e.g., col.,2, paragraphs 14 - 17),

two or more function devices are contained within separate physical structures and are each registered under their own URL (e.g., col.,2, paragraphs 14 - 17),

two or more function devices are contained within a single physical structure and are registered under a common URL (e.g., col.,2, paragraphs 14 - 17).

two or more function devices are connected across wireless networks (e.g., col.,2, paragraphs 14 - 17),

virtual network device comprising a virtual telephone comprising four bound input/output components comprise at least a microphone, speakers, keyboard and text display, (e.g., col.,2, paragraphs 14 - 17),

control signaling RTP data communications and SIP usage (e.g., col.,2, paragraphs 14 - 17),

virtual devices being a virtual closed circuit security system or a virtual video on demand system (e.g., col.,2, paragraphs 14 - 17).

Conclusion

29. Examiner makes a very clear note that the rational of the applicant's invention has been clearly taught by several references. The prior art made of record including form PTO-892 cited arts and not relied upon is considered pertinent to applicant's disclosure. Applicant's invention

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does contain few minor additional matters that facilitate the concepts of the applicant's invention. However, the additional minor matters are well known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

August 9, 2004


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100